

**Private Land Public Wildlife Advisory Council
MEETING SUMMARY**

Tuesday, March 18th, 2014, 8:00 a.m. – 5:00 p.m.
Wednesday, March 19th, 2014, 8:00 a.m. – 12:00 p.m.
The Historic Calvert Hotel, Lewistown

Council Members Present:

Joe Perry (Chairman), Richard Stuker (Vice-Chairman), Dwayne Andrews, Chris King, Kathy Hadley, Jack Billingsley, Blake Henning, Rod Bullis, Daniel Fiehrer, Lisa Flowers, Denley Loge, Kendall Van Dyk (State Senator), Kevin Chappell (ex officio - DNRC), Pat Gunderson (ex officio - BLM)

FWP Staff Present:

Jeff Hagener, Alan Charles, Ken McDonald, and Joe Weigand

Facilitator:

Emily Schembra, Center for Natural Resources & Environmental Policy

MEETING SUMMARY:

This document summarizes the Private Land Public Wildlife Advisory Council (Council) meeting convened on Tuesday, March 18th and Wednesday, March 19th 2014. The summary focuses on agenda items, discussion, and action items related to each agenda item. Meeting presentations and handouts are attached.

Tuesday, March 18th

AGENDA ITEM 1: WELCOME AND INTRODUCTIONS

Joe Perry (Chair) opened the meeting with a welcome, asked members to introduce themselves, and checked as to whether or not they had completed the Hunter-Landowner Stewardship program. Emily Schembra reviewed meeting objectives and handed out copies of a compilation of the Council's previous work (*Attachment A*).

AGENDA ITEM 2: DISCUSS LOCAL BLOCK MANAGEMENT PROGRAM WITH FWP STAFF

Gary Bertellotti (Region 4 Supervisor), Gary Hammond (Region 5 Supervisor), and Mark Sullivan (Region 6 Wildlife Manager) each spent time reviewing Block Management Program (BMP) implementation in Regions 4, 5, and 6.

Mr. Bertellotti reviewed the Region 4 landscape and annual statistics before describing tools available to landowners, the rationale for why some cooperators have dropped out of the BMP, and access challenges facing the Region. In particular, Bertellotti mentioned that landowners are not always aware of the available tools/options, and that the challenge could be addressed with better marketing. Other challenges include ineffective elk population management, and expectations from younger generations that motorized access will be allowed in Block Management Areas (BMAs). See *Attachment B* for Mr. Bertellotti's full handout.

Mr. Hammond discussed the annual BMP summary, local landscape, challenges, available hunting opportunities, and regional consistency. In particular, Hammond mentioned that field staff used to do all cooperator enrollments face-to-face with landowners; however, most of the work is now completed through the mail. He believes enrollments should be completed in person when possible, and that face-to-face contact with wardens and biologists would improve relationships (with the caveat that the uncertain funding base makes this type of work difficult). See *Attachment C* for Mr. Hammond's full presentation.

Mr. Sullivan described the Region 6 program by discussing existing BMAs, Hunting Access Technician (HAT) duties, Coordinator duties, and both annual and five-year summaries. Examples of BMA rules, hunter day forms, and signs were provided. Sullivan also described issues facing the Region 6 BMP, including bison challenges (resulting in nine lost cooperators), the Lost River WMA purchase, desires for quality hunting, payment issues, and the BMP's administrative organization. Sullivan recommended building relationships with landowners, because the relationships can lead to other opportunities. For example, five of the existing six conservation easements started out as a BMA. He also emphasized the quality of Region 6 maps. See *Attachment D* for Mr. Sullivan's full presentation.

Discussion with Gary Bertellotti, Gary Hammond, and Mark Sullivan:

All three speakers discussed bison issues and regional fears associated with the potential for brucellosis to spread to elk. There is a need to provide adequate landowner tools to deal with elk population management. Council members were curious why the state land in Daniels County had little access, to which Mr. Sullivan responded that technicians are spread too thin to properly cover the area. Council members also wondered if regional supervisors meet regularly to share best practices and discuss the BMP, to which the speakers responded that more coordination of that sort should happen.

The Council also discussed payments to BMP cooperators. The speakers explained that raising the \$12,000 payment ceiling would likely result in equal/less cooperators, as the 50 landowners currently at the payment ceiling would absorb the extra funding. All speakers concurred that the payments – for impacts to the land – seldom covers the full cost of impacts, so the landowner rarely receives surplus income.

Recommendations from the speakers included: (1) forming partnerships to bring in private sector funding, (2) building a narrative that explains *public* property rights, (3) developing new incentives to attract BMP cooperators, (4) instituting a team approach in each region, and (5) remembering to meet the needs of landowners already enrolled in the program instead of focusing on enrolling new landowners. The speakers stated that more FWP staff on the ground would more greatly benefit the BMP than offering more money to cooperators. Director Hagener explained that FWP is committed to shifting priorities to focus on access, recognizing that face-to-face work with landowners is a key component of a successful access program. Mr. Hammond challenged the Council to identify sideboards for any new incentives, and to design a marketing plan for the BMP that would help strengthen relationships and leverage resources.

The Council emphasized the hunter and landowner satisfaction – as evidenced by the annual summaries – of each region’s program, and Joe Perry reminded the Supervisors that field staff would be welcome to submit comments to the Council, or attend future meetings.

AGENDA ITEM 3: DISCUSS HUNTING ACCESS AND LANDOWNER, HUNTER, AND OUTFITTER RELATIONS WITH INVITED LANDOWNERS

Invited landowners, including Scott Hibbard, John Swanz, and Farris Wilks, were asked to respond to the following prompts:

- Please tell the Council a little bit about your property and how you view wildlife and hunting on your property.
- What opportunities do you see for collaboration with FWP to maximize hunting access and build relationships?

Scott Hibbard of Sieben Livestock Company discussed the ranch’s size and location, and explained that most of the ranch is under a conservation easement with access opportunities. He discussed the relatively new presence of elk, likely due to the Beartooth Wildlife Management Area. Mr. Hibbard explained that he sees wildlife as adding both fee and non-fee value to the land, but wildlife can also be a liability and expense in terms of crop and fence damage. Wildlife will always have a place on the ranch, and between family, friends, employees, outfitting clients, and the public, the long-standing hunting traditions on the ranch will carry on.

John Swanz, who ranches on both sides of the Snowy Mountains, described his family’s love for ranching and the large role of wildlife in any ranching operation. Mr. Swanz is the only landowner currently enrolled in the HB 454 Hunting Access Agreements program, and reported that being a part of the program has been exciting and satisfying. Elk used to be rare, but there has been a high increase in population numbers in recent years. Mr. Swanz discussed the importance of his family’s hunting heritage, and emphasized the need to encourage younger members of the public to hunt. He also clarified that while everyone has a right to hunt, the public does not have a right to hunt *on* private property.

Farris Wilks, who with his brother owns the N Bar and Pronghorn ranches, thanked the Council for convening the conversation and described his upbringing, which included time in Montana that later sparked an interest in ranching in the state. The Wilks family wishes to preserve the ranching and hunting opportunities on the ranches, and will continue to allow family, friends, employees, local youth, and special groups such as the Wounded Warrior Project to hunt. Mr. Wilks explained that while his properties (totaling around 200,000 acres) boast excellent elk habitat, and strong wildlife populations, the crop and fence destruction costs \$30-40,000 per year in damage. Wilks acknowledged that current elk management strategies are not as successful as they should be, yet Montana’s access programs are not a good fit for his operation, which neighbors 70 landowners and adjoins the Lewis and Clark National Forest.

Discussion with Scott Hibbard, John Swanz, and Farris Wilks:

The landowners were first asked to describe the value they see in the Hunter-Landowner Stewardship Project. They agreed it is a good idea so long as hunters complete the program. The speakers also discussed the need to teach people to hunt respectfully by walking into an area and

forming a relationship with the landowner. In terms of landowner-supported incentives and programs beyond that offered by the Block Management Program, the speakers mentioned several options, including cooperative agreements, issuance of licenses that the landowner could sell, and provisions for hunting season flexibility in terms of length, timing, and species. All speakers emphasized the need for innovative approaches that give landowners a reason to come to the table. When asked if diversification and entrepreneurship – including outfitting and participating in access program – is important to the ranching operations, the landowners responded that outfitting is lucrative and can help maximize revenue. Mr. Hibbard spent time explaining how the Devil’s Kitchen Working Group formed and now operates, which sparked a discussion focused on the value and impact of such collaborative groups. In closing, the speakers agreed that there is no “silver bullet,” and any new approach will need to fit the landowner, including any working groups striving to replicate the Devil’s Kitchen. The speakers also spoke of the need for hunters to make a better effort to form relationships with landowners and respect private property rights.

AGENDA ITEM 4: DISCUSS THE ROLE OF LOCAL COURTS WITH PETE HOWARD

Pete Howard, Teton County Justice of the Peace, explained the framework for “Courts of Limited Jurisdiction” in Montana, which includes the Justice Court. The Justice Courts in each county have jurisdiction over misdemeanor offenses, including criminal and Fish, Wildlife & Parks cases. Mr. Howard explained that his three remedies for FWP violations include jail time, fines, and suspension or revocation of hunting and fishing privileges. He explained why local courts will never be able to solve hunting access problems, but did describe progress that has been made, such as simplification of the Justice Court violation and remedy language. The one tool the Justice Courts do not currently have is forfeiture of property, and Mr. Howard is working with the Montana Magistrate Association to draft a forfeiture bill for the 2015 State Legislature.

AGENDA ITEM 5: IDENTIFY KEY TAKE-AWAY MESSAGES FROM SPEAKERS

The Council identified the following key take-away messages from the morning panels:

- We can gain something by visiting with traditional *and* non-traditional landowners (which proves the value of communication – it pays to listen and collaborate).
- Adaptable programs will be key. There is no silver bullet, and the answer may not be the BMP.
- We need to think about how access agreements benefit the landowner – why should they come to the table?
- After hearing the Devil’s Kitchen story, we were reminded that progress takes time.
- FWP is prioritizing more one-on-one interaction with landowners.
- The role of HATs, biologists, and wardens on the ground is central to building relationships (it’s a team effort), and FWP leadership should support the effort.
- In Region 4, 5, and 6 the hunter and landowner satisfaction rate is high.
- Landowners can educate other landowners.
- Viable private land access options across the board are key, as well as the ability to adapt options to different landowners.

- There is not enough funding to enroll new BMP cooperators, so any recommendations for more cooperators must address the need for more funding.
- Raise resident license fees.
- Youth hunting might open doors.
- Marketing and messaging what we have in Montana is important – marketing with a “Montana twist.”
- Landowner/hunter relations are more positive than what we have heard.
- Elk are an issue – objectives, population numbers, etc.
- There is a lack of knowledge about HB 454.
- There is a need for coordination and communication, especially regarding BMP implementation and sharing of best practices, among supervisors.
- Collection and consistency of data can point out trends and assist with marketing (data like the table Gary Hammond presented).
- Access cases are fact-driven in the local courts.
- Quality of access is important.

AGENDA ITEM 6: REVIEW AND AFFIRM EVALUATION CRITERIA

The Council reviewed, improved, and affirmed the objective criteria developed in February to vet and evaluate proposed recommendations. The final evaluation criteria are listed below.

- Is it [the strategy] specific?
- Is it technically feasible?
- Is it financially feasible right now? Later?
- Is it legal?
- Is it consistent with the Council’s charge?
- Is it attainable?
- Is it measurable?
- It is necessary?
- Is it realistic?
- Is it politically feasible?
- Is it collaborative?

AGENDA ITEM 7: WORK SESSION – GENERATE OPTIONS/STRATEGIES TO ADDRESS GOALS

During the plenary work session, Council members first reviewed and refined the goals identified in February. Next, Council members generated options/strategies for achieving each goal. The work was completed over two days. The goals, options, and deliberations are summarized in *Attachment E*.

AGENDA ITEM 8: PUBLIC COMMENT

The Council heard from the following individuals during the public comment period:

- Linda Newman, President of Women Involved in Farm Economics – *Thanked the Council and emphasized WIFE’s desire to be involved, and also voiced support for the Hunter-Landowner Stewardship Project as a tool for younger hunters.*
- John Gibson, Public Land/Water Access Association – *Voiced his concerns that wildlife will become a commodity, money should not dictate hunting in Montana, and “ranching for wildlife” would upset the sportsmen community.*
- Mark Robbins, Rancher and Outfitter from Roy – *Shared his dismay that his ranch is burdened by people who think public access is a right, and criticized the “bad” label given to landowners who do not allow access; voiced his support for private property rights and stated that landowner access tools will never be “one size fits all.”*
- Ron Moody, Former FWP Commissioner and active citizen – *Discussed different landowner incentives and tools related to access, and the idea that limiting the sex of elk permits could be perceived as coercing landowners into allowing access; emphasized the need for everyone to get out of the “adversarial framework” that currently defines urban/rural relationships, and for hunters to let go of the idea that hunting should be free – because it always costs someone – while remembering that the right to hunt should always be provided.*

AGENDA ITEM 9: WRAP UP AND ADJOURN

Adjourn.

Wednesday, March 19th

AGENDA ITEM 1: WELCOME

Joe Perry welcomed Council members back to the meeting. Council members were asked to report back from their respective “traplines,” or the people, organizations, and interests they represent on the Council.

To start the conversation, Chair Perry questioned the Council as to why the BMP criticism the Council hears is not consistent with the data presented at meetings from Department *and* non-Department speakers. Other members mentioned that outfitters would like to be more involved in the Council’s work, and there are concerns that any proposal to raise resident license fees will be met with criticism from certain groups of hunters. The BLM is focused on land exchanges, and is currently absorbed by public comments on the Dana Ranch land exchange. Other reports mentioned that members are receiving questions about the BMP and how it is funded; the Glasgow BMP appreciation dinner went very well; the Council needs to figure out its future direction; and ranchers who are more financially comfortable tend to allow access, while younger ranchers are looking at outfitting and other options because each dollar is more critical. Members also discussed location-specific instances of violations, shootouts, and game damage hunts that were relevant to the Council’s work.

Director Hagener briefly reviewed his key take-away points from the first day of meetings, as well as other items relevant to the Council. Hagener focused on BMP funding (Is it enough? Is it stable?), and indicated that the Council will have the option to “clean up” different licenses such

as the Come Home to Hunt license, because the License Advisory Committee did not take on earmarks or other issues the Committee related to the PL/PW Council's charge. Hagener responded to the call for more boots-on-the-ground, reminding Council members that hiring more staff will require budgetary changes. To avoid the legislative earmarks that often result from FWP funding increases, any funding increase recommendations from the Council should specify where increased funding needs to go. Hagener noted that the Council should consider flexibility beyond the BMP, and continue to discuss the merits of innovative landowner incentives – whether they are licenses, season types, a new segment of BMAs that requires completion of the Hunter-Landowner Stewardship program, or something else. The Council should consider whether it would be worthwhile to pilot a new season structure around the Snowy Mountains. Finally, if the Council wants to encourage collaborative resource management groups, they should consider sideboards for such groups.

After discussing the Director's thoughts and other considerations from Alan Charles related to the BMP Audit Report, the Council reached consensus on two principles they asked the Director to convey to the Environmental Quality Council.

- The PL/PW Council supports, and is working towards a recommendation to increase, resident sportsman license fees in order to expand funding for access programs, including the Block Management Program.
- The PL/PW Council supports, and would like to maintain, the cooperator flexibility currently built into the Block Management Program.

NEXT STEPS:

- Sue Daly or Hank Worsch will be invited to speak at the April PL/PW Council meeting to help the Council clarify opportunities to make fee and licensing improvements. The Council would also like to learn more about the various FWP earmarks.

AGENDA ITEM 2: GENERATE OPTIONS/STRATEGIES TO ADDRESS GOALS, CONTINUED

Continuing work from March 18th, Council members worked as a plenary to generate options and strategies for achieving each of the identified goals. The goals, options, and deliberations are summarized in *Attachment E*.

NEXT STEPS:

- The Council will begin to evaluate options and strategies to address the access and relationship-based goals at the April meeting. This evaluation will allow the Council to begin developing a package of recommendations.
- Council members are encouraged to think critically about the options – and other options that were not generated – and caucus with fellow members between meetings.

AGENDA ITEM 3: WRAP UP AND NEXT STEPS

Emily shared a suggested “roadmap” and work plan with Council members (*Attachment F*), which lays out Council meetings and objectives until autumn 2015, at which time a package of recommendations may be presented to the public for review and comment. The Council

discussed the need to make progress. Vice Chair Stuker reminded everyone that the Council might form less adversarial recommendations first, before moving to the tougher issues.

NEXT STEPS:

- Chair Perry and Vice Chair Stuker will work with Emily and Alan to develop and circulate an agenda for the next meeting, which will be held April 23rd and 24th at the Billings Hotel and Convention Center.

AGENDA ITEM 4: PUBLIC COMMENT:

The Council heard from the following individuals during public comment:

- Ron Moody, Former FWP Commissioner and active citizen – *Asked the Council to follow the Devil's Kitchen example as they formulate recommendations and to also consider local wildlife management compacts in order to change the debate from conflict to community.*
- Lee Burroughs, FWP Region 5 Warden, sportsman, and landowner – *Encouraged the Council to concentrate on gaining access to public lands, and emphasized that wardens are the boots-on-the-ground that the Council and speakers repeatedly referenced.*
- Allan Minear, Montana Trapper's Association – *Suggested that BMP permission slips mention that an animal in a trap or snare must be left alone, and also voiced his concerns with I-169, a ballot initiative aiming to end trapping on public lands.*

Adjourn.

ALL MEETING FOLLOW-UP ITEMS AND TASKS

- Sue Daly or Hank Worsch will be invited to speak at the April PL/PW Council meeting to help the Council clarify opportunities to make fee and licensing improvements. The Council would also like to learn more about the various FWP earmarks.
- The Council will begin to evaluate options and strategies to address the access and relationship-based goals at the April meeting. This evaluation will allow the Council to begin developing a package of recommendations.
- Council members are encouraged to think critically about the options – and other options that were not generated – and caucus with fellow members between meetings.
- Chair Perry and Vice Chair Stuker will work with Emily and Alan to develop and circulate an agenda for the next meeting, which will be held April 23rd and 24th at the Billings Hotel and Convention Center.
- Members should contact the Chair or Vice Chair with any ideas or concerns regarding the issues on the table, or future meetings.